

SECOND REGULAR SESSION

SENATE BILL NO. 859

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR DAYS.

Read 1st time January 11, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

3986S.011

AN ACT

To repeal sections 115.126, 115.275, 115.289, and 115.637, RSMo, and to enact in lieu thereof four new sections relating to advance voting, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 115.126, 115.275, 115.289, and 115.637, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 115.275, 115.276, 115.289, and 115.637, to read as follows:

115.275. As used in sections 115.275 to 115.304, unless the context clearly
2 indicates otherwise, the following terms shall mean:

3 (1) "Absentee ballot", any of the ballots a person is authorized to cast
4 away from a polling place pursuant to the provisions of sections 115.275 to
5 115.304, **except the advance ballots a person is authorized to cast in**
6 **accordance with section 115.276;**

7 (2) "Advance ballot", **any of the ballots a person is authorized to**
8 **cast in accordance with section 115.276;**

9 (3) "Interstate former resident", a former resident and registered voter in
10 this state who moves from Missouri to another state after the deadline to register
11 to vote in any presidential election in the new state and who otherwise possesses
12 the qualifications to register and vote in such state;

13 ~~(3)~~ (4) "Intrastate new resident", a registered voter of this state who
14 moves from one election authority's jurisdiction in the state to another election
15 authority's jurisdiction in the state after the last day authorized in this chapter
16 to register to vote in an election and otherwise possesses the qualifications to

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 vote;

18 [(4)] (5) "New resident", a person who moves to this state after the last
19 date authorized in this chapter to register to vote in any presidential election;

20 [(5)] (6) "Overseas voter" includes:

21 (a) An absent uniformed services voter who, by reason of active duty or
22 service is absent from the United States on the date of the election involved;

23 (b) A person who resides outside the United States and is qualified to vote
24 in the last place in which the person was domiciled before leaving the United
25 States; or

26 (c) A person who resides outside the United States and (but for such
27 residence) would be qualified to vote in the last place in which the person was
28 domiciled before leaving the United States;

29 [(6)] (7) "Persons in federal service" includes:

30 (a) Members of the armed forces of the United States, while in active
31 service, and their spouses and dependents;

32 (b) Active members of the merchant marine of the United States and their
33 spouses and dependents;

34 (c) Civilian employees of the United States government working outside
35 the boundaries of the United States, and their spouses and dependents;

36 (d) Active members of religious or welfare organizations assisting
37 servicemen, and their spouses and dependents;

38 (e) Persons who have been honorably discharged from the armed forces
39 or who have terminated their service or employment in any group mentioned in
40 this section within sixty days of an election, and their spouses and dependents.

**115.276. 1. Any registered voter of this state may vote by
2 advance ballot in person at a central voting location in the jurisdiction
3 in which the voter is registered or at other sites authorized by this
4 section. The advance voting period shall begin the third Wednesday
5 prior to an election.**

**6 2. All election authorities shall conduct advance voting at a
7 central voting location designated by the election authority until close
8 of regular business hours on the Wednesday immediately prior to the
9 election.**

**10 3. For all federal elections and for all such other elections as the
11 election authority shall designate, the election authorities shall
12 establish sites other than the central voting location as additional sites**

13 in which to vote by advance ballot in person beginning the third
14 Wednesday prior to the election and ending at the close of regular
15 business hours on the Wednesday prior to the election as follows:

16 (1) In addition to conducting advance voting at the central
17 voting location, any jurisdiction shall provide a satellite site for every
18 fifty thousand registered voters in that jurisdiction, except that no
19 election authority shall provide more than six such satellites to conduct
20 advance voting;

21 (2) In addition to conducting advance voting at the central
22 voting location, any jurisdiction with less than fifty thousand
23 registered voters may provide satellite sites, except that no election
24 authority shall provide more than six such satellites to conduct
25 advance voting;

26 (3) For purposes of this section, the number of registered voters
27 shall be determined by the number of registered voters in each
28 jurisdiction in the previous general election;

29 (4) In determining the location of the satellite sites, the election
30 authority shall consider factors including but not limited to the
31 geographic location and demographics of registered voters in the
32 previous general election and current United States census data to
33 ensure nondiscrimination in the representation of the community
34 served to the greatest extent possible;

35 (5) The election authority shall provide adequate public notice
36 of the designated central voting location and the satellite sites
37 including but not limited to posting this information at the election
38 authority's office, on the website of the election authority, and by such
39 other methods as the election authority may select. The location of a
40 satellite site may be changed to a different location during the advance
41 voting period. The election authority shall provide adequate public
42 notice of any change including but not limited to posting this
43 information at the election authority's office, at the original location of
44 the satellite site, on the website of the election authority, and by such
45 other methods as the election authority may select;

46 (6) The election authority shall appoint at least one judge from
47 each major political party to serve at each satellite site. No major
48 political party shall have a majority of the judges at any satellite site.
49 No established party shall have a greater number of judges at any

50 satellite than any major political party.

51 4. The hours for advance voting shall be regular business hours
52 as required by section 115.057, and shall include Saturday until 12:00
53 p.m. Regular business hours shall not begin earlier than 7:00 a.m. nor
54 shall they extend beyond 7:00 p.m.

55 5. Except as otherwise required by this chapter, procedures for
56 casting an advance ballot in person shall be the same as the procedures
57 contained in sections 115.407 to 115.445.

58 6. Procedures for counting advance ballots shall be the same as
59 the procedures contained in sections 115.447 to 115.525.

60 7. This section shall not affect the election authority's ability to
61 appoint bipartisan teams to deliver absentee ballots under section
62 115.287.

63 8. The election judge shall not allow any person who has voted
64 an advance ballot in the election to vote at the polls on election day. If
65 it is determined that any voter submitted an advance ballot and voted
66 at the polls on election day:

67 (1) Such person, having voted more than once, is guilty of a class
68 one election offense pursuant to subdivision (2) of section 115.631;

69 (2) The election authority shall certify that fact and the name of
70 the voter to the verification board. Such certificate shall be included
71 with the abstracts drawn by the verification board.

72 9. This section shall become effective January 1, 2008.

115.289. 1. [Except as provided in subsection 3 of this section, as
2 applications for absentee ballots are received, the election authority shall list the
3 name, voting address and mailing address, if different, of each applicant. Any
4 person authorized under subsection 2 of this section may copy the list, and the
5 election authority may make copies of the list available to such persons for a
6 reasonable fee determined by the election authority.] **Any person who
7 knowingly discloses confidential information in violation of this section
8 shall be guilty of a class four election offense.**

9 2. Except as provided in subsection 4 of this section, all lists of
10 applications for absentee ballots **or information listed pursuant to this
11 section with regard to voters who cast an advance ballot** shall be kept
12 confidential to the extent that such lists [of applications] shall not be posted or
13 displayed in any area open to the general public, nor shall such lists [of
14 applications] be shown to any person who is not entitled to see such lists [of

15 applications], either pursuant to the provisions of this chapter or any other
16 provisions of law. [Persons entitled to see such lists shall include a candidate or
17 a duly authorized representative of a campaign committee as defined in section
18 130.011, RSMo, or any person with written authorization from a candidate, or any
19 person that has applied for an absentee ballot.]

20 3. [In each city not within a county, in each county of the first
21 classification having a population of more than nine hundred thousand
22 inhabitants, in each county of the first classification containing the major portion
23 of a city which has over three hundred thousand inhabitants, and in that portion
24 of each city which has over three hundred thousand inhabitants and located in
25 more than one county, situated in the county containing the major portion of the
26 city,] As applications for absentee ballots are received **or advance ballots are**
27 **cast**, the election authority shall list the name, voting address and mailing
28 address, if different, of each applicant **and of each voter who casts an**
29 **advance ballot**. Prior to 8:00 a.m. on the Friday before an election, all absentee
30 ballot applications, lists of absentee ballot applications, [or] any information
31 contained on the absentee ballot applications, **or any information listed**
32 **pursuant to this section with regard to voters who cast an advance**
33 **ballot** shall be kept confidential. Use of the applications, lists or information
34 contained thereon by the election authority prior to 8:00 a.m. on the Friday before
35 an election for purposes other than processing absentee ballots shall be deemed
36 a class one election offense. After 8:00 a.m. on the Friday before an election any
37 person authorized under subsection 4 of this section may copy the list, and the
38 election authority may make copies of the list available to such persons for a
39 reasonable fee determined by the election authority.

40 4. [In each city not within a county, in each county of the first
41 classification having a population of more than nine hundred thousand
42 inhabitants, in each county of the first classification containing the major portion
43 of a city which has over three hundred thousand inhabitants, and in that portion
44 of each city which has over three hundred thousand inhabitants and located in
45 more than one county, situated in the county containing the major portion of the
46 city,] After 8:00 a.m. on the Friday before an election, all lists of applications for
47 absentee ballots **or information listed pursuant to this section with**
48 **regard to voters who cast an advance ballot** shall be kept confidential to
49 the extent that such lists [of applications] shall not be posted or displayed in any
50 area open to the general public, nor shall such lists [of applications] be shown to

51 any person who is not entitled to see such lists [of applications], either pursuant
52 to the provisions of this chapter or any other provisions of law. Persons entitled
53 to see such lists shall include a candidate or a duly authorized representative of
54 a campaign committee as defined in section 130.011, RSMo, or any person with
55 written authorization from a candidate, or any person that has applied for an
56 absentee ballot **or who has cast an advance ballot. Any person authorized**
57 **under this subsection may copy the list, and the election authority may**
58 **make copies of the list available to such persons for a reasonable fee**
59 **determined by the election authority.**

115.637. The following offenses, and any others specifically so described
2 by law, shall be class four election offenses and are deemed misdemeanors not
3 connected with the exercise of the right of suffrage. Conviction for any of these
4 offenses shall be punished by imprisonment of not more than one year or by a fine
5 of not more than two thousand five hundred dollars or by both such imprisonment
6 and fine:

7 (1) Stealing or willfully concealing, defacing, mutilating, or destroying any
8 sample ballots that may be furnished by an organization or individual at or near
9 any voting place on election day, except that this subdivision shall not be
10 construed so as to interfere with the right of an individual voter to erase or cause
11 to be erased on a sample ballot the name of any candidate and substituting the
12 name of the person for whom he intends to vote; or to dispose of the received
13 sample ballot;

14 (2) Printing, circulating, or causing to be printed or circulated, any false
15 and fraudulent sample ballots which appear on their face to be designed as a
16 fraud upon voters;

17 (3) Purposefully giving a printed or written sample ballot to any qualified
18 voter which is intended to mislead the voter;

19 (4) On the part of any candidate for election to any office of honor, trust,
20 or profit, offering or promising to discharge the duties of such office for a less sum
21 than the salary, fees, or emoluments as fixed by law or promising to pay back or
22 donate to any public or private interest any portion of such salary, fees, or
23 emolument as an inducement to voters;

24 (5) On the part of any canvasser appointed to canvass any registration
25 list, willfully failing to appear, refusing to continue, or abandoning such canvass
26 or willfully neglecting to perform his duties in making such canvass or willfully
27 neglecting any duties lawfully assigned to him;

28 (6) On the part of any employer, making, enforcing, or attempting to
29 enforce any order, rule, or regulation or adopting any other device or method to
30 prevent an employee from engaging in political activities, accepting candidacy for
31 nomination to, election to, or the holding of, political office, holding a position as
32 a member of a political committee, soliciting or receiving funds for political
33 purpose, acting as chairman or participating in a political convention, assuming
34 the conduct of any political campaign, signing, or subscribing his name to any
35 initiative, referendum, or recall petition, or any other petition circulated pursuant
36 to law;

37 (7) On the part of any person authorized or employed to print official
38 ballots, or any person employed in printing ballots, giving, delivering, or
39 knowingly permitting to be taken any ballot to or by any person other than the
40 official under whose direction the ballots are being printed, any ballot in any form
41 other than that prescribed by law, or with unauthorized names, with names
42 misspelled, or with the names of candidates arranged in any way other than that
43 authorized by law;

44 (8) On the part of any election authority or official charged by law with
45 the duty of distributing the printed ballots, or any person acting on his behalf,
46 knowingly distributing or causing to be distributed any ballot in any manner
47 other than that prescribed by law;

48 (9) Any person having in his possession any official ballot, except in the
49 performance of his duty as an election authority or official, or in the act of
50 exercising his individual voting privilege;

51 (10) Willfully mutilating, defacing, or altering any ballot before it is
52 delivered to a voter;

53 (11) On the part of any election judge, willfully absenting himself from the
54 polls on election day without good cause or willfully detaining any election
55 material or equipment and not causing it to be produced at the voting place at the
56 opening of the polls or within fifteen minutes thereafter;

57 (12) On the part of any election authority or official, willfully neglecting,
58 refusing, or omitting to perform any duty required of him by law with respect to
59 holding and conducting an election, receiving and counting out the ballots, or
60 making proper returns;

61 (13) On the part of any election judge, or party watcher or challenger,
62 furnishing any information tending in any way to show the state of the count to
63 any other person prior to the closing of the polls;

64 (14) On the part of any voter, except as otherwise provided by law,
65 allowing his ballot to be seen by any person with the intent of letting it be known
66 how he is about to vote or has voted, or knowingly making a false statement as
67 to his inability to mark his ballot;

68 (15) On the part of any election judge, disclosing to any person the name
69 of any candidate for whom a voter has voted;

70 (16) Interfering, or attempting to interfere, with any voter inside a polling
71 place;

72 (17) On the part of any person at any registration site, polling place,
73 counting location or verification location, causing any breach of the peace or
74 engaging in disorderly conduct, violence, or threats of violence whereby such
75 registration, election, count or verification is impeded or interfered with;

76 (18) Exit polling, surveying, sampling, electioneering, distributing election
77 literature, posting signs or placing vehicles bearing signs with respect to any
78 candidate or question to be voted on at an election on election day inside the
79 building in which a polling place is located or within [twenty-five] **one hundred**
80 feet of the building's outer door closest to the polling place, or, on the part of any
81 person, refusing to remove or permit removal from property owned or controlled
82 by him, any such election sign or literature located within such distance on such
83 day after request for removal by any person;

84 (19) Stealing or willfully defacing, mutilating, or destroying any campaign
85 yard sign on private property, except that this subdivision shall not be construed
86 to interfere with the right of any private property owner to take any action with
87 regard to campaign yard signs on the owner's property and this subdivision shall
88 not be construed to interfere with the right of any candidate, or the candidate's
89 designee, to remove the candidate's campaign yard sign from the owner's private
90 property after the election day.

[115.126. 1. Notwithstanding any provision of this chapter
2 to the contrary, election authorities shall establish a plan to
3 implement an advance voting period when eligible registered voters
4 may vote before any general election in presidential election years
5 at the office of the election authority and up to four other polling
6 places designated by and under the control of the election
7 authority. Such plan shall provide that the permissible advance
8 voting period shall begin fourteen days prior to such election and
9 end at 5:00 p.m. on the Wednesday before the day of such election.

10 2. Election authorities shall, pursuant to subsection 1 of
11 this section, establish in their plans the hours and locations for
12 advance voting. The election authority shall have all advance
13 voting locations open on all business days during the advance
14 voting period, and may have all advance voting locations open on
15 Saturdays, Sundays and holidays during the advance voting period.

16 3. Except as provided in this section, advance voting
17 procedures shall be conducted pursuant to sections 115.407 to
18 115.445. The secretary of state shall design the necessary
19 application for use in an advance voting program pursuant to this
20 section. All election authorities in this state shall submit to the
21 secretary of state a plan to implement the advance voting period by
22 December 31, 2002. The secretary of state shall assist election
23 authorities in developing a plan for the implementation of an
24 advance voting program.

25 4. The plans established pursuant to this section shall also
26 require that before the precinct registers are delivered to the
27 polling places for an election, the election authority shall record in
28 the precinct registers the names of all voters who have submitted
29 an advance voting ballot. The election judge shall not allow any
30 person who has voted an advance voting ballot in the election to
31 vote at the polls on election day. If it is determined that any voter
32 submitted an advance voting ballot and voted at the polls on
33 election day, such person, having voted more than once, is guilty of
34 a class one election offense pursuant to subdivision (2) of section
35 115.631.

36 5. The secretary of state may promulgate rules to effectuate
37 the provisions of this section.

38 6. Any rule or portion of a rule, as that term is defined in
39 section 536.010, RSMo, that is created under the authority
40 delegated in this section shall become effective only if it complies
41 with and is subject to all of the provisions of chapter 536, RSMo,
42 and, if applicable, section 536.028, RSMo. This section and chapter
43 536, RSMo, are nonseverable and if any of the powers vested with
44 the general assembly pursuant to chapter 536, RSMo, to review, to
45 delay the effective date or to disapprove and annul a rule are

46 subsequently held unconstitutional, then the grant of rulemaking
47 authority and any rule proposed or adopted after August 28, 2002,
48 shall be invalid and void.]

✓

Unofficial

Bill

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